

Notice of Allowability

Application No.

10/812,947

Examiner

Monica Lewis

Applicant(s)

YOSHIDA, SEIKOH

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/7/07.
2. ☒ The allowed claim(s) is/are 1,3-8,10 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


MONICA LEWIS
PRIMARY PATENT EXAMINER

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EXAMINER'S AMENDMENT

1. Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given via telephone by
Ronald A. Rudder on August 28, 2007.

The application has been amended as follows:

Cancel claims 9, 12 and 13

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In claim 3, line 4 after "composition", "of x, and said second buffer layer has an Al composition" has been deleted.

In claim 3, line 5 after "less than", "(x+0.5)" has been deleted.

In claim 3, line 4 after "composition", "--of x--has been inserted.

In claim 3, line 4 after "less than", "--0.5--has been inserted.

In claim 8, line 3 after "composition", "of x, and said second buffer layer has an Al composition" has been deleted.

In claim 8, line 5 after "less than", "(x+0.5)" has been deleted.

In claim 8, line 3 after "composition", "--of x--has been inserted.

In claim 8, line 5 after "less than", "--0.5--has been inserted.

In claim 11, line 2 after "composition", "of x, and said second buffer layer has an Al composition" has been deleted.

In claim 11, line 3 after "less than", "(x+0.5)" has been deleted.

In claim 11, line 2 after "composition", "--of x--has been inserted.

In claim 11, line 3 after "less than", "--0.5--has been inserted.

In claim 7, line 17 after "20 nm;", "and" has been deleted.

In claim 7, line 17 after "20nm;", "--wherein said buffer layer structure includes a plurality of said first buffer layers and a plurality of second buffer layers, which are alternately laid one on another; and--has been inserted.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 571-272-1838. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300 for regular and after final communications.

ML

August 28, 2007


MONICA LEWIS
PRIMARY PATENT EXAMINER